IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Robin Budd, et al. GROUP ART UNIT: 2182

U.S.S.N.: 09/895,466 *CONFIRMATION NO*.: 6561

FILING DATE: June 29, 2001 EXAMINER: Park, Illwoo

CUSTOMER NO. **24227**

TITLE: METHOD AND APPARATUS FOR PROVIDING CONTINUOUS

COMMUNICATION BETWEEN COMPUTERS

Mail Stop: TD

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A CO-PENDING APPLICATION

The owner, EMC Corporation, of one hundred (100) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent issued from Patent Application No. 11/273, 279. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the co-pending application and resulting patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the co-pending application, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims

canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. 1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. $|\mathbf{X}|$ The undersigned is an attorney of record. Respectfully submitted, **EMC** Corporation Date: December 12, 2008 /Joseph D'Angelo/ Signature Joseph D'Angelo Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) included.

Applicant: > Robin Budd, et al. U.S.S.N.: >09/895,466 Filing Date: >June 29, 2001 EMC Docket No.: EMC-00-066

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